

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CR-183-BO-1

UNITED STATES OF AMERICA,

v.

JESUS ALEJANDEO GARCIA,
Defendant.

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ORDER

This matter is before the Court on defendant's appeal of Magistrate Judge Jones's decision to detain defendant pending trial. [DE 20]. Defendant is charged with conspiracy to possess with intent to distribute fifty grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846 (Count One); distribution of a quantity of methamphetamine and aiding and abetting in violation of 21 U.S.C. § 841(b)(1)(c) and 2 (Count Two); and distribution of a quantity of methamphetamine in violation of 21 U.S.C. § 841(b)(1)(c) (Count Three). [DE 1].

On November 26, 2018, United States Magistrate Judge Robert B. Jones, Jr. ordered defendant detained pending trial. [DE 18]. The magistrate court held a hearing on the issue in which it considered the nature of the charges, the apparent evidence, and the ability to assure defendant's presence for trial as well as the safety of the community. A hearing on defendant's appeal of the detention order was held before the undersigned in Raleigh, North Carolina on December 5, 2018. [DE 22].


The district court reviews the magistrate judge's pretrial detention order *de novo*. 18 U.S.C. § 3145(c); *United States v. Clark*, 865 F.2d 1433, 1436 (4th Cir. 1989). In the instant case, Judge Jones found that the nature of the charges, the apparent strength of the government's case, the

indication of substance abuse, the defendant's criminal history, and the fact that the charges arose while on state probation all indicate a serious risk that defendant will endanger the safety of another person or the community. [DE 18].

Defendant's record supports Judge Jones's finding. Under 18 U.S.C. § 3142, based on the offense charged, a rebuttable presumption for detention exists in this case. Defendant has not rebutted that presumption. Defendant is charged with serious drug trafficking offenses and the government's evidence associates defendant with numerous guns. The federal charges defendant faces arose while he was on state probation and defendant has a history of failing to comply with court instructions in the past. These reasons, in conjunction with the strength of the government's case, indicate that defendant poses a danger to the community.

Under these circumstances, following a hearing and an independent review of the available documents, the Court finds that no combination of conditions could reasonably assure the appearance of defendant and the safety of others as required under 18 U.S.C. § 3142(f). For the foregoing reasons, defendant's appeal of the detention order [DE 20] is DENIED.

SO ORDERED, this 10 day of December, 2018.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE